

## WEST LONDON WASTE AUTHORITY

### PROTOCOL ON RELATIONSHIPS BETWEEN AUTHORITY MEMBERS AND OFFICERS

Created December 2013

Minor changes made June 2016 to correct typographical errors in previous version.

#### **1 Introduction**

This Protocol is one of the documents supporting the Authority's governance procedures and sits alongside related documents in the Standing Orders such as the Members Code of Conduct.

- 1.1 Positive working relationships between Authority Members and officers are essential to the effective operation of a local authority. They should be characterised by respect, courtesy and trust, with both Authority Members and officers feeling free to speak to each other and carry out their respective responsibilities in an atmosphere of cooperation, openness and honesty.
- 1.2 The purpose of this protocol is to give guidance to Authority Members and officers on ways in which they can foster and maintain such relationships, and on what they can do to resolve problems if things go wrong.
- 1.3 This protocol supplements the obligations and advice contained in the Member Code of Conduct, HR Policies, the Staff Code of Conduct and individual contracts of employment.

#### **2 Respective Roles and Responsibilities**

- 2.1 Authority Members and officers are servants of the public, and both have a vital contribution to make to the delivery of effective and efficient services through a democratically accountable local authority. Authority Members are nominated for a particular term of office by their constituent boroughs, and are responsible to the Authority, the boroughs and their local residents. Officers are paid employees responsible to the elected Authority Members.
- 2.2 Authority Members' principal responsibilities are:
  - a) Representing the interests of the Authority
  - b) Acting as a source of information for their constituent boroughs and their residents concerning the activities of the Authority.
  - b) Making or contributing to decisions about Authority policies and functions; and how services are to be provided and funded.
  - c) Monitoring and reviewing the performance of the Authority.
  - d) Representing the Authority to the public and other agencies, and collectively being broadly accountable for its work.

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(**N.B.** It is acknowledged that political differences and organisational structures inevitably mean that not all Authority members participate in or agree with every decision taken by the Authority, or Committees and Panels of the Authority).

2.3 Officers' principal responsibilities are:

- a) Implementing Authority Members' decisions on Authority policies and services.
- b) Providing appropriate information to Authority Members so that they can fulfil their role.
- c) Advising Authority Members both in relation to the development of policies and on their implementation.
- d) Providing particular advice in relation to legal responsibilities.

### **3 Expectations**

3.1 Authority Members can expect from officers:

- a) A commitment to serving the Authority as a whole and not the interests of particular political groups. Officers should be impartial in a political environment and serve all Members of the Authority.
- b) that officers who are members of a political party should not allow these interests to influence Authority decisions.
- c) Professional and impartial advice, not influenced by political bias or personal interests.
- d) Respect and courtesy.
- e) Timely and appropriate responses to enquiries and complaints.
- f) Appreciation of the role of Authority Members, their relationships with their constituent boroughs, residents and of the demands on their time and resources.
- g) Provision of timely and good quality information to assist Authority Members in fulfilling their role.
- h) Appropriate confidentiality in their dealings.
- i) That officers will not use their relationship with a Authority to advance their own interests in particular decisions of the Authority that impact on them personally either in terms of their employment with the Authority or their place of residence in the Borough or to otherwise influence decisions improperly, including the way in which services are provided or resources are allocated.
- j) That officers will at all times comply with relevant codes of conduct.

3.2 Officers can expect from Authority Members:

- a) Respect and courtesy.
- b) Appreciation of the role of officers, and of the demands on their time and resources.
- c) Appropriate confidentiality in their dealings.
- d) That Authority Members will not use their relationship with an officer to advance their own personal or political interests, or to otherwise influence decisions improperly, including the way in which services are provided or resources are allocated.
- e) That Authority Members will not bring undue pressure to bear on officers, or, bearing in mind the power relationship between officers and Authority Members, abuse the vulnerability of officers, particularly those at junior levels in the organisation.
- f) That Authority Members will at all times comply with relevant codes of conduct.

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## **4 Different Member Roles**

- 4.1 Fundamentally, all Authority Members have the same rights and obligations in relation to support and advice from officers, and should be treated equally.
- 4.2 In recognition of the formal responsibilities of members of the Chair and Vice Chair of the Authority and any of its Committees, as set out in statute and in the Authority's Standing Orders, the contact between these Authority Members and officers will necessarily be more frequent and more complex in subject matter. It is therefore likely and appropriate that meetings and communications involving them will dominate Authority/officer interaction at a senior level. However, this in no way diminishes the right of other Authority members to expect appropriate advice and support for their own role.
- 4.3 In general terms, Authority members should deal with officers through the more senior members of staff as it is more likely that these officers will be able to respond to Authority requests and in some cases, it is their specific responsibility to handle Authority enquiries. However, it is acknowledged that, in the context of casework, Authority members may more appropriately deal directly with junior officers. In such cases, Authority members should be sensitive to the junior status of the officer and should not seek to exert undue influence on him/her; if the Authority is dissatisfied with the response of the officer, s/he should ask that the matter be referred to a senior officer for consideration.

## **5 Officer Advice**

- 5.1 It is the role of officers to provide impartial, professional advice to Authority members. The advice and/or recommendation of an officer may be contrary to the opinion of an individual Authority or of a group of Authority members. Just as officers must respect the decision which Authority members are empowered to take, so too should Authority members respect the integrity of the advice given by officers. If Authority members choose to take a decision contrary to advice, they should give reasons for doing so and they should not denigrate officers for their advice. Authority Members may challenge but should not bring pressure to bear on officers to alter their advice and/or recommendations.
- 5.2 In the public conduct of the Authority's business, such as in the context of Authority meetings, Authority members and officers should demonstrate mutual respect for their respective contributions. This in no way diminishes the right of Authority members to criticise the work of an individual Authority officer where they believe such criticism is merited, but they should do so in a measured and balanced manner. If they have criticisms about a particular member of staff, they should in the first instance take this up with the Managing Director.
- 5.3 The Head of Paid Service (the Managing Director), the Monitoring Officer (the Clerk) and the Treasurer have specific legal responsibilities for the Authority's corporate governance. Authority Members must respect the exercise of these responsibilities.

## **6 Personal Relationships**

- 6.1 Close personal relationships between Authority members and officers can cause confusion about their distinct roles and can lead to suspicions about conflicts of interest.

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- 6.2 Where such relationships occur, the Authority member and officer concerned should be open about the relationship and seek to minimise the likelihood of any concerns and suspicions arising. In particular, there should be no breaches of confidence, and care should be taken to behave at all times in an impartial manner.
- 6.3 Similarly, social contact between Authority members and officers should be kept to a moderate level, and should not be allowed to cast doubt on the professional relationship between them.

## **7 Access to Information**

- 7.1 Authority Members have wide-ranging legal rights of access to Authority documents, and officers have a general duty to provide information so that Authority Members can fulfil their role effectively. The Information Policy and Procedure Rules set out the rights and responsibilities in relation to the Authority's decision-making machinery.
- 7.2 Authority Members should be reasonable and flexible in their expectations relating to officers providing bulky and/or complex information, recognising that compiling and reproducing documents can be a time-consuming and expensive task and will therefore usually be provided electronically.
- 7.3 Information provided to Authority Members should be used for purposes related to their role as Authority Members, and not for personal or party political purposes unconnected with the public office to which they are elected.

## **8 When Things go Wrong**

- 8.1 Occasionally a relationship between a Member and an officer may break down or become strained. It is usually preferable to resolve this informally, but sometimes this may not be possible and it is important for Authority Members and officers to know how to pursue any complaint or grievance.
- 8.2 If a Authority Member wishes to complain about the actions of an officer, s/he should raise it with the Managing Director in the first instance; if the Authority Member is not satisfied with the response from the Managing Director, s/he may take the matter up with the Clerk (acting in the capacity of the Authority's Monitoring Officer). If the Authority Member is dissatisfied with the response, s/he may ask the Chair of the Authority to discuss the matter with the Managing Director and Clerk as appropriate.
- 8.3 If an officer has a grievance about the conduct of an Authority Member, they should take the matter up with the Managing Director. The Managing Director in consultation with the Clerk will determine whether the case should be discussed with the Chair of the Authority. Depending on the outcome of these discussions, the Managing Director may choose to report the matter for consideration by the Authority.

## **9 Monitoring and Review**

- 9.1 This Protocol will be continually monitored to ensure that its content is appropriate to the respective roles and the relationships between Authority members and officers.

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9.2 Changes may from time to time become necessary to adapt to organisational or legal requirements, and these may also need to be reflected in other parts of the Authority's Standing Orders. Such changes will be subject to the agreement of the Authority.

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